



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 3612

In re Patent Application of: Udo Heselhaus et al.

Application No. 10/580,282

Confirmation No.: 4389

Filed: May 23, 2006

Examiner: Patel, Kiran B

"VEHICLE ROOF STRUCTURE FOR MOTOR  
VEHICLE"

Declaration of Jeffrey D. Tekanic under 37 CFR 1.495(f) and 1.132 in Support of  
Amendment and Response to non-final Office Action mailed August 15, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Jeffrey D. Tekanic, am employed by Kramer Barske Schmidtchen of Landsberger Strasse 300, Munich 80687, Germany, and declare that:

- 1) I am conversant in both German and English;
- 2) I previously prepared the English translation of International Application No. PCT/DE2004/002087, which translation was filed with the PTO on May 23, 2006 to effect the US national phase of this International Application;
- 3) during the course of preparing the response to the non-final Office Action mailed August 15, 2007 for this US national phase application, I noted a few minor translation errors in paragraphs [0048] and [0054] as well as the Abstract of the above-noted English translation, which errors have been corrected in the Amendment and Response filed herewith;
- 4) these translation errors occurred inadvertently;
- 5) with one exception, all amendments made to paragraphs [0048] and [0054] of the specification and to the Abstract, as filed herewith in the enclosed Amendment and Response, are directly supported by the corresponding original German text of PCT/DE2004/002087 and thus do not introduce new matter;

6) with respect to the exception mentioned in above paragraph 5), it is noted German text corresponding to "as an essential aspect of the invention" of original paragraph [0054] was recited in PCT/DE2004/002087; however, this phrase has been deleted from pending paragraph [0054] as not being necessary for US practice;

7) according to Article 11(3) of the Patent Cooperation Treaty, "any international application fulfilling the requirements listed [above] . . . shall have the effect of a regular national application in each designated State . . .";

8) according to 35 USC §371(c)(2), a translation into the English language of the international application is required when the US national stage is entered for a non-English language application;

9) according to 35 USC §375(b), if the translation of the international application is incorrect and exceeds the scope of the international application in the original language, the court of competent jurisdiction may retroactively limit the scope of the issued patent therefrom;

10) according to MPEP §1893(d), a literal, faithful English translation of the international application must be filed;

11) thus, these provisions establish that the original German language text of International Application No. PCT/DE2004/002087 serves as the original written description for the above-identified US patent application, rather than the original English translation that was filed at the time of entering the US national phase;

12) consequently, to the extent that the original English translation inappropriately deviated from the original German text, correction is warranted and permissible; and

13) all statements made of my own knowledge are true and all statements made on information and belief are believed to be true and further, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001, and such false statements may jeopardize the validity of the application or any patent issuing thereon.

5 November 2007

Date

  
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Jeffrey D. Tekanic  
Reg. No. 36,031